

CITY HALL, CITY OF LODI
Monday, May 7th., 1923.

The regular meeting of the Board of Trustees of the City of Lodi was called to order at 8 o'clock P.M. on the date first above written, Trustees Hale, Hickok, Mettler, Spooner and Shattuck present, the latter presiding.

The minutes of the regular adjourned meeting of April 23rd 1923 were read and approved

The Clerk submitted the application made by G. Piazza for license to maintain and operate a dance pavillion on Seaton Avenue. President of the Board, J. W. Shattuck and Trustee F.O.Hale both stated that the personal moral standing of the applicant was against the granting of the permit. Trustee Spooner and Trustee Mettler mentioned the fact of the personnel of protestants who had previously appeared before the Board and both stated that they would be influenced by their requests and would vote against the granting of the license. Trustee Hickok stated that his standing on this question was already expressed in opposition to the granting of license and the Clerk stated that he would be governed by the wishes of the Board and refuse to issue the license sought.

Representatives of a vending machine company appeared before the Board seeking permission to install slot machines vending mints with a "check" inducement in various stores. They were informed that if the machines complied with the state law, the Board of Trustees had nothing to say in the matter.

J.H.Fairchilds applied for water and sewer extensions to Lot 5 in the Barnhart Tract but on account of the length of pipe to be laid the Board reserved decision until they could consult with the Superintendent of Public Utilities and view the proposed extensions.

Reports from the Poundmaster, City Plumbing Inspector and City Marshal for the month preceeding were read and ordered filed.

The City Engineer submitted his estimates of the quantities of pipe needed and the cost of the same to lay storm drains on Sargent Road and the Southerly end of Washington Avenue. Trustee Hale moved that the Clerk advertise for the material necessary and on proper second being had the motion carried unanimously.

The application of Fred Lind for sewer service at 420 Daisy Avenue was laid over as the City Engineer reported that it was not feasible at this time to make the extension and would not be so until Hutchins Street was extended northerly to Daisy Avenue.

The Clerk read several letters exchanged between himself and the director of the Bureau of Sanitary Engineering of the State Board of Health regarding the appointment of a caretaker at the sewage disposal plant and was instructed to answer the last one received with the statement that the Board might be interested in securing the services of Cornelius Erb to instruct the permanent operative.

No protests having been filed against the improvement of Stockton Avenue as undertaken under Resolution of Intention No.62, the Board proceeded with the improvement by the adoption of Resolution Ordering the Work No. 397 by the following vote:-

AYES: Trustees, Hale, Spooner, Hickok, Mettler, Shattuck.
NOES: Trustees, None. ABSENT: Trustees, None.

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R E S O L U T I O N N O. 3 9 7
Resolution Ordering the Work.
STOCKTON AVENUE

RESOLVED, that whereas the Board of Trustees of the City of Lodi, did on the 16th day of April, A.D.1923, pass its Resolution of Intention No. 62, to order the hereinafter described work to be done and improvement to be made in said City, which Resolution of Intention was duly and legally published as required by law, as

31 appears from the affidavit of publication in The Lodi News made by Delmar B. Rinfret, now on file in the office of the City Clerk of said City of Lodi; and whereas, notices of the passage of said Resolution of Intention No 62, headed, "NOTICE OF IMPROVEMENT", were duly and legally posted along the line of said contemplated work and improvement and in front of all the property liable to be assessed therefore, and on each and every street and highway in the assessment district described in said Resolution of Intention as appears from the affidavit of F. Christesen who personally posted the same, and who, upon the completion of the posting of said notices, filed said affidavit in the office of the City Clerk, making oath that he completed the posting of said notices on the 23rd day of April, A.D.1923; and whereas, no protests or objections in writing or otherwise to the proposed work, or against the extent of the proposed district, have been delivered to, or presented to, or filed with the Clerk of this Board of Trustees of the said City of Lodi, up to the hour set for hearing protests as set forth in said Resolution of Intention, and this Board of Trustees having now acquired jurisdiction to order the proposed improvement it is hereby,-

RESOLVED, that the public interest and convenience require the work herein described and the Board of Trustees of the City of Lodi hereby order the following work to be done and improvement to be made in said City, to-wit:-

That Stockton Avenue, in said City of Lodi, from the southerly termination of the present pavement - On, or near a line 221 feet southerly from and parallel to the northerly line of Lot numbered 57 of the Lodi-Barnhart Tract, as said tract is shown on that certain map entitled "Lodi-Barnhart Tract" and recorded in the office of the County Recorder in Vol. 3 of Maps at Page 48, San Joaquin County Records, produced westerly across said Stockton Avenue, to the northerly line of Vine Street, including all street and alley crossings, terminations and opposite terminations within said limits.

BE IMPROVED:

(1) By grading the roadway and curb and gutter spaces of said portion of Stockton Avenue.

(2) By constructing hydraulic concrete curbs and gutters of the combined type along each side of the roadway of said portion of said Stockton Avenue.

(3) By paving the roadway of said portion of Stockton Avenue between the gutter lines, with a pavement consisting of one and one-half (1 1/2) inches of Warrenite Wearing Surface laid on an asphaltic concrete base two and one-half (2 1/2) inches in thickness.

Excepting, however, from all of the hereinabove described work such portions as may be required by law to be kept in order or repair by any person or company having railroad tracks thereon; and excepting also from all of the hereinabove described work any of said work already done to the official line and grade.

All of said work shall be done in accordance with the plans and specifications heretofore adopted for doing said work and now on file in the office of the City Clerk, and where certain work proposed to be done on the respective streets, avenues and highways aforementioned, is described as being between certain lines, it includes the doing of all such work upon the street intersections and terminations between the lines, unless otherwise shown on the plans, providing, however, that any duplication in such description may be ignored.

Attention is also called to the Warrenite License Mixture Agreement for California, executed by Warren Brothers Company, February 19, 1923, the owner and holder of the patents and processes covering the said Warrenite pavement, which agreement is on file in the office of the City Clerk and is hereby expressly referred to for greater certainty,

And, whereas, said contemplated work and improvement, in the opinion of the Board of Trustees, is of more than ordinary public benefit, said Board hereby makes the expense of said work or improvement chargeable upon a district, which district said Board hereby declares to be the district benefited by said work and improvement, and to be assessed to pay the cost and expense thereof; which said district is bounded and described as follows:-

Commencing at a point on the Easterly line of Lot numbered 57 of the Lodi-Barnhart Tract, hereinbefore mentioned distant thereon Southerly two hundred twenty-one (221) feet from the Northern corner of said lot and running thence Easterly on and along the said Easterly line of numbered 57 and its continuation to an interior corner of the Northern line of Vine Street in said City of Lodi; thence Westerly on and along the said Northern line of Vine Street and its Westerly production to a point which is distant thereon two hundred eight and two hundredths (208.02) feet Westerly from the Westerly line of said Stockton Avenue; thence Northerly on a direct line to a point on a line drawn parallel to and one hundred fifty-five (155) feet Southerly from the Northerly line of Lot numbered 70 in said Lodi-Barnhart Tract, which last mentioned point on said parallel line is distant thereon one hundred eighty-two and two hundredths (182.02) feet Westerly from the Westerly line of said Stockton Avenue; thence Easterly on a direct line to the point of commencement.

Provided, nevertheless, that the streets, avenues and alleys situate within said districts, shall be omitted from any assessment made or levied for paying the costs and expenses of the above mentioned work and improvement, the said streets, avenues and alleys belonging to said City and being in use as public streets, avenues and alleys.

And it is further ordered and notice is hereby given that serial bonds to represent unpaid assessments and bear interest at the rate of seven (7) per cent per annum, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, and Acts amendatory thereto, the last installment of which bonds shall mature nine years from the 2nd day of July next succeeding nine months from their date.

This Resolution is adopted pursuant to the provisions of those certain Acts of the Legislature of the State of California designated respectively as the "Improvement Act of 1911" and the "Improvement Bond Act of 1915" and Acts Amendatory thereto.

The City Clerk is hereby directed to post a notice of said work together with the plans and specifications therefor, conspicuously for five days on or near the council chamber door, inviting sealed proposals or bids for doing the work ordered.

He is also directed to publish three times a notice inviting such proposals, and referring to the specifications posted or on file, in The Lodi News, a tri-weekly newspaper published and circulated in said City of Lodi and hereby designated for that purpose.

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Resolution No. 398 in the matter of the issuance of bonds to defray the cost of the sewage disposal plant was then passed and adopted.

RESOLUTION NO. 398.

A RESOLUTION PROVIDING FOR THE ISSUANCE AND REDEMPTION OF THE BONDS OF THE CITY OF LODI, STATE OF CALIFORNIA TO THE AMOUNT OF ONE HUNDRED THOUSAND DOLLARS, FOR THE ACQUISITION CONSTRUCTION AND COMPLETION OF A CERTAIN MUNICIPAL IMPROVEMENT FOR SAID CITY, IN ACCORDANCE WITH AND AS AUTHORIZED AT A SPECIAL ELECTION HELD IN SAID CITY ON THE SIXTEENTH DAY OF JANUARY, A. D. 1923.

WHEREAS, a special election was held on the 16th day of January, A.D. 1923, in accordance with the provisions and requirements of Ordinance No. 138, of said City, calling, providing for, and giving notice of such election, reference to said ordinance for further particulars being here made; and,

WHEREAS, it has been determined by a canvass of the returns of

said election by the Board of Trustees of said city, made Monday, February 5, A.D. 1923, and entered upon the minutes of said Board, that at said special election the incurring of a bonded indebtedness by said City for the purpose and to the amount stated in said Ordinance No. 138, was authorized by an affirmative vote of more than two-thirds of all the voters voting thereat on said proposition;

NOW THEREFORE, BE IT RESOLVED, by the Board of Trustees of the City of Lodi, as follows:

Section 1. That the bonds of the City of Lodi, State of California, will be issued in accordance with the result of the special election held in said City on the 16th day of January, A.D. 1923, and in compliance with the statutes of the State of California, and the ordinance of said City, to the amount of One Hundred Thousand Dollars (\$100,000) for the purposes stated in said Ordinance No. 138; that said bonds shall be called, "Improvement Bonds," shall be one hundred in number, of the denomination of One Thousand Dollars (\$1000) each, and shall be numbered consecutively from one to one hundred, both inclusive, and shall be payable in numerical order consecutively, commencing with the lowest numbers in the manner following, that is to say: Five of said bonds each year for twenty consecutive years, commencing June 1, 1924, and until all of said bonds shall be paid.

All of said bonds issued as herein provided shall be of the form and character known as "Serials." They shall be dated June 1, 1923, shall bear interest at the rate of five per cent per annum, payable semi-annually on the first days of June and December of each year until the maturity thereof; and the principal and interest thereof shall be payable in gold coin of the United States, at the office of the Treasurer of said City, or, at the option of the holder, at the fiscal agency of said City in the City of New York.

Sec. 2. Said bonds shall be signed by the President of the Board of Trustees of said City, and by the Treasurer thereof; they shall be countersigned by the Clerk of said City, and the seal of said City shall be affixed thereto. Said bonds shall be substantially in the following form:

UNITED STATES OF AMERICA
STATE OF CALIFORNIA
CITY OF LODI
IMPROVEMENT BOND.

No. _____

\$1000.00.

For value received, the City of Lodi, a municipal corporation organized and existing under the laws of the State of California, hereby acknowledges itself indebted and promises to pay to the bearer on the _____ day of _____ 19____ One Thousand Dollars (\$1,000), with interest thereon at the rate of five per centum per annum, payable semi-annually, on presentation and surrender of the coupons hereto attached as they respectively become due; both principal and interest being payable in gold coin of the United States at the office of the Treasurer of said City, or, at the option of the holder, at the fiscal agency of said City in the City

This bond is issued under and pursuant to the Constitution and statutes of the State of California, and under and pursuant to ordinances and proceedings of said City duly adopted and taken and a vote and assent of more than two-thirds of all the qualified electors of said city voting at a special election duly and legally called and held for that purpose.

It is hereby certified, recited and declared that all acts, conditions and things required by law to exist, happen and be performed precedent to and in the issuance of this bond have existed, happened and been performed in due time, form and manner as required by law, and that the amount of this bond, together with all other indebtedness of said city does not exceed any limit prescribed by the constitution or statutes of said state, and that provision has been made as required by the constitution and statutes of said state for the collection of an annual tax sufficient to pay the inter-

est on this bond as it falls due, and also provision to constitute a sinking fund for the payment of the principal of this bond on or before maturity. The full faith and credit of said city are hereby pledged for the punctual payment of the principal and interest of this bond.

IN WITNESS WHEREOF, said City of Lodi, has caused this bond to be executed under its corporate seal, signed by the President of its Board of Trustees, and by its Treasurer, and countersigned by its Clerk; and has caused the interest coupons hereto attached to be signed by its Treasurer, and this bond to be dated the ____ day of _____, 1923.

President of Board of Trustees

Countersigned

City Treasurer

City Clerk

Sec. 3. Interest coupons shall be attached to each bond to the number of twice the number of years such bond will run until the maturity thereof, and in the amount of twenty-five dollars, (\$25.00) each, which sum will be the amount due for interest on such bonds for six months. Such coupons shall be numbered from one upwards and each shall state the number of the bond to which it is attached. Such coupons shall be signed by the Treasurer of said City, by his engraved or lithographed signature, and be substantially in the following form:

FORM OF COUPON

No. _____

\$ _____

On _____, 19____, the City of Lodi, California, will pay to the bearer at the Office of the Treasurer of said City, or, at the option of the holder, at the fiscal agency of said City in the City _____, in gold coin of the United States, being six months interest then due on its Improvement Bond No. _____, dated _____.

Treasurer

Sec. 4. For the purpose of paying the principal and interest of said bonds, the Board of Trustees of the City of Lodi, shall at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect for the fund hereinafter provided for, annually each year, until said bonds are paid or until there shall be a sum in the treasury of said city, set apart for that purpose, sufficient to meet all sums becoming due for the principal and interest on said bonds a tax sufficient to pay the annual interest on said bonds, and also such part of the principal thereof as shall become due before the time for fixing the next general tax levy. Said tax shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected, and as collected shall be forthwith paid into the fund for which the same was levied and collected. Such fund shall be designated, "Bond Interest and Redemption Fund, 1923", and all sums to become due for the principal and interest on said bonds shall be paid from such fund.

Sec. 5. The President of the Board of Trustees and the Treasurer are hereby authorized and directed to fill in the blank spaces in said bonds in accordance with this resolution and to sign all said bonds on behalf of said city, and the city Clerk is authorized to countersign the same and to affix the City's seal thereto.

Sec. 6. The Board of Trustees may sell said bonds at such times and in such amounts as it may determine, and the proceeds arising from such sale shall be placed in the treasury to the credit of the "Improvement Construction Fund", which fund is hereby created; and such

On motion of Trustee Hale the Board adjourned until May 14, 1923, at the hour of 8 o'clock P.M.

Attest:

J. F. Beaman
Clerk